

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SETTE *et al.*

Appl. No. 09/412,863

Filed: October 5, 1999

**For: Inducing Cellular Immune  
Responses to Human  
Immunodeficiency Virus-1 Using  
Peptide and Nucleic Acid Compositions**

Confirmation No. 1200

Art Unit: 1644

Examiner: Schwadron, R.B.

Atty. Docket: 2060.0040005/HCC/PAC

**Second Supplemental Information Disclosure Statement**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Second Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' First Information Disclosure Statement filed herewith in connection with the above-captioned application. A copy of each document is also provided.

In accordance with 37 C.F.R. 1.98(a)(3), Applicants' undersigned representative submits the following concise explanation of the relevance of the non-English language document, Document AP3 cited on form PTO 1449:

Document AP3, Patent No. WO 88/05440 is in the French language. It is believed that AP3 discloses HIV peptides that are homologous with SIV. An English language abstract of document AP3 is located on page one of the document and another English language abstract is attached as Document AT32.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not

in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

This Information Disclosure Statement is being filed before the mailing of a first Office Action on the merits. No statement or fee is required.

Consideration of the cited documents and making the same of record in the prosecution of the above-identified application is respectfully requested. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Helene C. Carlson  
Agent for Applicants  
Registration No. 47,473

Date: 4/31/03

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FORM PTO-1449  SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. 2060.0040005/HCC/PAC	APPLICATION NO. 09/412,863
	APPLICANT SETTE et al.	
	FILING DATE October 5, 1999	GROUP 1644

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ1	5,556,744	09/17/1996	Weiner et al.			03/24/1994
	AK1	5,989,565	11/23/1999	Storkus et al.			06/07/1995

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO3	WO 87/06005 A1	10/08/1987	WIPO			Yes No
	AP3	WO 88/05440 A1	07/28/1988	WIPO			Yes X No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS	30	Carpio, E., et al., "Monoclonal Antibodies to Conserved Regions of the Major Core Protein (gag24) of HIV-1 and HIV-2," <i>AIDS Res. Hum. Retroviruses</i> 7:97-101, Mary Ann Liebert, Inc. (1991)
	AT	30	Darke, P.L., et al., "HIV-1 protease specificity of peptide cleavage is sufficient for processing of gag and pol polyproteins," <i>Biochem. Biophys. Res. Commun.</i> 156:297-303, Academic Press, Inc. (1988)

EXAMINER	DATE CONSIDERED
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**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA2	6,077,519	06/20/2000	Storkus et al.			01/15/1997
	AB						
	AC						
	AD						
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FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL4	WO 88/08005 A1	10/20/1988	WIPO			Yes No
	AM4	WO 90/07119 A1	06/28/1990	WIPO			Yes No
	AN4	WO 91/04051 A1	04/04/1991	WIPO			Yes No
	AO4	WO 92/00997 A1	01/23/1992	WIPO			Yes No
	AP4	WO 94/02614 A1	02/03/1994	WIPO			Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	<u>31</u>	DiIanni, C.L., et al., "Characterization of an Active Single Polypeptide Form of the Human Immunodeficiency Virus Type 1 Protease," <i>J. Biol. Chem.</i> 265:17348-17354, The American Society for Biochemistry and Molecular Biology, Inc. (1990)
	AS	<u>31</u>	Johnson, R.P., et al., "Identification of Overlapping HLA Class I-restricted Cytotoxic T Cell Epitopes in a Conserved Region of the Human Immunodeficiency Virus Type 1 Envelope Glycoprotein: Definition of Minimum Epitopes and Analysis of the Effects of Sequence Variation," <i>J. Exp. Med.</i> 175:961-971, The Rockefeller University Press (April 1992)
	AT	<u>31</u>	Koenig, S., et al., "Mapping the fine specificity of a cytolytic T cell response to HIV-1 nef protein," <i>J. Immunol.</i> 145:127-135, The American Association of Immunologists (1990)

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	AJ						
	AK						

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL5	WO 94/28871 A1	12/22/1994	WIPO			Yes No
	AM5	WO 95/04817 A1	02/16/1995	WIPO			Yes No
	AN5	WO 97/14436 A1	04/24/1997	WIPO			Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	<u>32</u>	Mathiesen, T., et al., "Analysis of a subclass-restricted HIV-1 gp41 epitope by omission peptides," <i>Immunology</i> 67:1-7, Blackwell Scientific Publications (1989)
	AS	<u>32</u>	Storkus, W.J., et al., "Peptide-induced modulation of target cell sensitivity to natural killing," <i>J. Immunol.</i> 149:1185-1190, The American Association of Immunologists (August 1992)
	AT	<u>32</u>	Dialog File 351, Accession No. 7586358, Derwent WPI English language abstract for WO 88/05440.

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